



Energy Act 2004

2004 CHAPTER 20

PART 2

SUSTAINABILITY AND RENEWABLE ENERGY SOURCES

CHAPTER 2

OFFSHORE PRODUCTION OF ENERGY

Supplementary provisions of Chapter 2 of Part 2

104 Interpretation of Chapter 2 of Part 2

(1) In this Chapter—

“construct”, in relation to an installation or an electric line or in relation to a generating station so far as it is to comprise renewable energy installations, includes—

- (a) placing it in or upon the bed of any waters;
- (b) attaching it to the bed of any waters;
- (c) assembling it;
- (d) commissioning it; and
- (e) installing it;

and “construction” is to be construed accordingly;

“decommission”, in relation to an installation or an electric line, includes—

- (a) removing it from the bed of any waters;
- (b) demolishing it; and
- (c) dismantling it;

“distribution” and “electric line” have the same meanings as in Part 1 of the 1989 Act;

“extend” and “extension”—

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- (a) in relation to a generating station, have the same meanings as in Part 1 of the 1989 Act; and
 - (b) in relation to an installation, have the same meanings as in relation to a generating station;
 - “installation” includes artificial island, structure and device;
 - “master” includes—
 - (a) in relation to a hovercraft, the captain;
 - (b) in relation to any submersible apparatus, the person in charge of the apparatus; and
 - (c) in relation to an installation in transit, the person in charge of the transit operation;
 - “renewable energy installation” is to be construed in accordance with subsections (3) to (5);
 - “Renewable Energy Zone” has the meaning given by section 84(4);
 - “safety zone” means an area which is a safety zone for the purposes of this Chapter by virtue of section 95;
 - “Scottish part”, in relation to a Renewable Energy Zone, means so much of that Zone as is designated under section 84(5);
 - “Scottish waters” means—
 - (a) the internal waters of the United Kingdom that are in or are adjacent to Scotland; or
 - (b) so much of the territorial sea of the United Kingdom as is adjacent to Scotland;
 - “submersible apparatus” has the meaning given by section 88(4) of the Merchant Shipping Act 1995 (c. 21);
 - “supply”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;
 - “transmission”, in relation to electricity, has the same meaning as in Part 1 of the 1989 Act;
 - “vessel” includes—
 - (a) a hovercraft;
 - (b) any submersible apparatus; and
 - (c) an installation in transit.
 - [^{F1}“Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone;]
 - [^{F1}“Welsh zone” has the meaning given in section 158 of the Government of Wales Act 2006.]
- (2) References in this Chapter to the production of energy from water include, in particular, references to its production from currents and tides.
- (3) In this Chapter “renewable energy installation” means—
- (a) an offshore installation used for purposes connected with the production of energy from water or winds;
 - (b) an installation in the course of construction at a place where it is to be used as an offshore installation within paragraph (a);
 - (c) an installation that has ceased to be an installation within paragraph (a) while remaining an offshore installation (whether or not at the same place);

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- (d) an installation that is being decommissioned at a place where it has been an installation within paragraph (a) or (c);
 - (e) an installation in transit to or from a place where it is to be, or has been, used for purposes that would make it, or made it, an installation within paragraph (a);
 - (f) an installation in transit to or from a place where it is to be, or was, an installation within paragraph (c).
- (4) In subsection (3) “offshore installation” means an installation which is situated in waters where—
- (a) it permanently rests on, or is permanently attached to, the bed of the waters; and
 - (b) it is not connected with dry land by a permanent structure providing access at all times for all purposes.
- (5) The purposes referred to in subsection (3)(a) include, in particular—
- (a) the transmission, distribution and supply of electricity generated using water or winds; and
 - (b) the doing of anything (whether by way of investigations, trials or feasibility studies or otherwise) with a view to ascertaining whether the generation of electricity in that manner is, in a particular case, practicable or commercially viable, or both.
- (6) Provision made by or under this Chapter in relation to places outside the United Kingdom—
- (a) so far as it applies to individuals, applies to them whether or not they are British citizens; and
 - (b) so far as it applies to bodies corporate, applies to them whether or not they are incorporated under the law of a part of the United Kingdom.

Textual Amendments

F1 Words in s. 104(1) inserted (1.4.2019) by [Wales Act 2017 \(c. 4\)](#), **ss. 41(6), 71(4)** (with [Sch. 7 paras. 1, 6, 8, 10](#)); [S.I. 2017/1179](#), [reg. 5\(a\)](#)

Commencement Information

I1 S. 104 in force at 5.10.2004 by [S.I. 2004/2575](#), [art. 2\(1\)](#), **Sch. 1**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 137(3)(c)-(e) inserted by [2011 c. 16 s. 117\(b\)](#)
- s. 173(2C) inserted by [2023 c. 52 Sch. 14 para. 10](#)
- Sch. 22 para. 4(1A) inserted by [2023 c. 52 Sch. 14 para. 11\(2\)\(b\)](#)